IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 353 of 2005

Between:

Kovi Venkateswarlu, S/o. Yerukalaiah,
R/o. Kavali Yadavali Village, A.S. Peta Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Joint Collector, Nellore, Nellore District.
3 The Mandal Revenue Officer, A.S. Peta Village and Mandal,
Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd respondent in evicting the petitioner from the lands to an extent of Ac.1.02 cents in Sy.No.279/3 and Ac.1.98 cents in Sy.No.279/5 totalling, Ac. 3.00 cents, situated at kavali Yadavali village, A.S. Peta Mandal, Nellore District, without conducting any enquiry, is arbitrary, unreasonable and accordingly set aside the impugned order passed by 3rd respondent made in Rc.B. 364/2004, dt. 9.09.2004 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners land to an extent of Ac.1.02 cents in Sy.No.279/3 and Ac.1.98 cents in Sy. No. 279/5 totalling Ac. 3.00 cents situated at Kavali Yadavalli Village, A.S. Peta Mandal, Nellore District to pass such other and further orders as this Honourable Court may deems fit and proper.

Counsel for the Petitioner: MR.M.KONDAL RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

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ORDER:

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Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue, and with their consent, the Writ Petition itself is disposed of at the stage of admission.

As against the impugned order dated 09.09.2004 passed by the 3rd respondent-Mandal Revenue Officer, it is submitted by the learned Government Pleader for Revenue, and admitted to by the learned counsel for the petitioner that an effective alternative remedy by way of appeal is available before the 2nd respondent-Joint Collector.

If that be so, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is at liberty to avail the remedy of appeal against the impugned order before the 2nd respondent-Joint Collector within a period four weeks from today, and on filing such appeal, the 2nd respondent-Joint Collector, shall consider the same and pass appropriate orders thereon in accordance with law. Till disposal of the appeal, the petitioner shall not be evicted from the land in question.

With the above directions, the Writ Petition is disposed of. No costs.

Dated: 20.01.2005

Dsr/nsr

ASSISTANT REGISTRAR

To:

1. The District Collector, Nellore,

Nellore District

2. The Joint Collector, Nellore,

Nellore District

3. The Mandal Revenue Officer,

A.S.Peta village and Mandal,

Nellore, Nellore District

4. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies